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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|----------------------|------------------|
| 09/475,630 | 12/30/1999 | Randall Joseph Sandell | 9D-EC-19310 | 6597 |
| 7590 | 08/26/2004 | | EXAMINER | |
| John S. Beulick Armstrong Teasdale LLP One Metropolitan Square, Suite 2600 St. Louis, MO 63102 | | | WOO, RICHARD SUKYOON | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3629 | |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/475,630 | SANDELL |
| | Examiner | Art Unit |
| | Richard Woo | 3629 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 May 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15, 17-46 and 48-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15, 17-46 and 48-53 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Response to Arguments

- 1) The Applicant's amendment filed May 6, 2004 has been entered.
- 2) Applicant's arguments with respect to the rejections under 35 U.S.C. 101, 102 and 112 have been fully considered and are persuasive. The previous rejections of claims have been withdrawn.

Claim Rejections - 35 USC § 103

- 3) Claims 1-15, 17-46 and 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Call (US 5,913,210) in view of Nicholls et al. (US 5,485,369).

W.R.T. Claim 1:

Call discloses a method comprising the steps of:
contemporaneously communicating respective order information from a store (107) to a server (101);
a respective delivery agent (col. 1, lines 16-20) communicating with the server;
communicating the information from the server to a supplier (105);
communicating disposition status of the goods from the delivery agent to the server; and
the server updating the product information (see Figs. 1-2).

However, Call does not expressly disclose the method including:

generating respective invoice information from the order information;
communicating the invoice information from the logistics intermediary to a delivery agent;

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent;

communicating exceptions from the logistics intermediary to the respective supplier to the store;

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the customer to a logistics intermediary (38);

generating respective invoice information from the order information;

communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and
wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents.

W.R.T. Claim 2: The modified Call further discloses the method including the step of shipping the ordered goods to the respective buyer by the respective delivery agent (see Figs.);

W.R.T. Claim 3: The modified Call further discloses the method, wherein the communication network is an Internet based system (see Fig. 1 in Call);

W.R.T. Claim 4: The modified Call further discloses the method including the step of selecting at least one delivery date based on available delivery capacity for each respective delivery agent (see Figs. in Nicholls et al.);

W.R.T. Claim 5: The modified Call further discloses the method including the respective supplier adding delivery information to the electronic manifest, wherein the delivery information includes the quantity, type, and delivery date of respective goods to be delivered to the respective delivery agent (see tables, Figs. and the descriptions thereof);

W.R.T. Claim 6: The modified Call further discloses the method, wherein each respective buyer selects a delivery date for each good based on the available delivery schedule;

W.R.T. Claim 7: The modified Call further discloses the method, wherein the order information communicated by the buyer includes the brand of good, type, model number of the good, the installation service, the address and the delivery date (see Supra);

W.R.T. Claim 8: The modified Call further discloses the method including the step of generating a respective invoice and communicating the invoice to the store by the logistics intermediary (see Figs. in Call and Nicholls et al.);

W.R.T. Claim 9: The modified Call further discloses the method including communicating the respective master requisition labels and an associated manufacturer shipping labels to the delivery agent by the logistics intermediary (see relevant Figs. in Nicholls et al.);

W.R.T. Claim 10: The modified Call further discloses the method including communicating the respective master requisition number and an associated manufacturer shipping number to the store (see Id.);

W.R.T. Claim 11: The modified Call further discloses the method including communicating the respective manufacturer shipping number and associated shipping address to the supplier by the store (it would have been obvious to provide the additional service between the supplier and store as taught by the reason as cited in Claim 1);

W.R.T. Claim 12: The modified Call further discloses the method including the step of generating a respective purchase order, advance shipping notice and order label by the supplier (see Supra Figs.);

W.R.T. Claim 13: The modified Call further discloses the method including the step of communicating the purchase order invoice to the store by the supplier (see Id.);

W.R.T. Claim 14: The modified Call further discloses the method including the step of communicating the manufacturer shipping number and address to the store by the logistics intermediary (see Supra);

W.R.T. Claim 15: The modified Call further discloses the method including the step of delivery the respective good to the delivery agent by the supplier;

W.R.T. Claim 17: The modified Call further discloses the method including the step of attaching the shipping label from the logistics intermediary to the good by the delivery agent (see Figs. in Nicholls et al.);

W.R.T. Claim 18: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the logistics intermediary by the delivery agent (see Figs. in Nicholls et al.);

W.R.T. Claim 19: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the store by the logistics intermediary (see *Id.*);

W.R.T. Claim 20: The modified Call further discloses the method including the step of communicating the shipping status and exceptions to the supplier by the logistics intermediary (see *Supra*);

W.R.T. Claim 21: The modified Call further discloses the method including the step of confirming the good delivery date and time of day with respective buyer by the delivery agent (see Figs. in Nicholls et al.);

W.R.T. Claim 22: The modified Call further discloses the method including the step of delivering the good to the buyer (see Nicholls et al.);

W.R.T. Claim 23: The modified Call further discloses the method including the step of communicating the shipping disposition to the intermediary by the delivery agent (see *Id.*);

W.R.T. Claim 24: The modified Call further discloses the method, wherein the delivery information includes the quantity of goods, type, and delivery date of goods (see *Supra* Nicholls et al.);

W.R.T. Claim 25: The modified Call further discloses the method, wherein the service includes the type of installation of the good at the buyer address;

W.R.T. Claim 26: The modified Call further discloses the method including the step of identifying overage, shortage, damage and suspend;

W.R.T. Claim 27: The modified Call further discloses the method including the step of identifying complete, damage, refusal and cancel.

W.R.T. Claim 28:

Call discloses a system comprising:
a communication network (see Fig. 1); a server (101);
at least one delivery agent being adapted to deliver and install the goods (col. 1, lines 16-20; see Fig. 1); and
at least one store (107) being adapted to receive order information generated by the buyer and communicate the order information to the server.

However, Call does not expressly disclose the system including a logistics intermediary having manifest, wherein the logistics intermediary is in communication with the store, supplier and delivery agent.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:
an order processing system (22) communicating order information from the customer to a logistics intermediary (38);
generating respective invoice information from the order information;

communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents.

W.R.T. Claim 29: the modified Call further discloses the system, wherein the network is an Internet (see Fig. 1 in Call);

W.R.T. Claim 30: the modified Call further discloses the system, wherein the network includes at least one computing unit (see Figs.);

W.R.T. Claim 31: the modified Call further discloses the system, wherein the network further includes an additional computing unit;

W.R.T. Claim 32: the modified Call further discloses the system, wherein the computing unit is adapted to house the electronic manifest and the delivery management system (see Figs. in Nicholls et al.);

W.R.T. Claim 33: the modified Call further discloses the system, wherein the computing unit includes a scanner that scans the labels to uplink and unload data to the intermediary (see Nicholls et al.);

W.R.T. Claim 34: the modified Call further discloses the system, wherein the scanner includes a scanner display and keyboard input (see Supra);

W.R.T. Claim 35: the modified Call further discloses the system, wherein the intermediary is adapted to generate a master requisition label, associated manufacturer shipping labels, and an advanced shipping notice (see Supra Figs. in Nicholls et al.);

W.R.T. Claim 36: the modified Call further discloses the system, wherein the intermediary is adapted to communicate with the store, delivery agent, and supplier (see the reason as recited in Claim 28);

W.R.T. Claim 37: the modified Call further discloses the system, wherein the intermediary communicates with the store, delivery agent, and supplier (via mail, courier, fax..);

W.R.T. Claim 38: the modified Call further discloses the system, wherein the supplier generates a purchase order for the store based on the order information generated by the buyer (see Supra Figs.);

W.R.T. Claim 39: the modified Call further discloses the system, wherein the scanner employs a computer program having the exception report and the disposition report (see Figs. in Nicholls et al.);

W.R.T. Claim 40: the modified Call further discloses the system, wherein the scanner employs the computer program having an exception report having a overage menu, shortage, damaged, and a suspend menu (see Supra); and

W.R.T. Claim 41: the modified Call further discloses the system, wherein the scanner employs the computer program having a disposition report having a complete, damage, refusal and a cancel menu.

W.R.T. Claim 42:

Call discloses a system comprising:
means (101) for utilizing a communication network to transfer information between the supplier (1050, the delivery agent (103) and store (107);
means for providing order and shipping information to the at least one delivery agent; and

means for updating information.

However, Call does not expressly discloses the system including:
means for utilizing a logistics intermediary (112) to the network, the intermediary
being adapted to employ an electronic manifest;
means for utilizing a communication network to transfer order and shipping
information between the supplier, delivery agent and store; and
means for scheduling the shipment of goods based on order and shipping
information and an exception report (see Figs.).

Nicholls et al. teaches, for a logistics system and method for automating various
transporting logistics tasks, that the system and method comprises:

an order processing system (22) communicating order information from the
customer to a logistics intermediary (38);

generating respective invoice information from the order information;
communicating the invoice information from the logistics intermediary to a
delivery agent (26);

noting exceptions and communicating the exceptions to the logistics
intermediary, wherein the exceptions are noted and communicated by the delivery
agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent
to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents.

W.R.T. Claim 43: The modified Call further discloses the system including means for receiving the order information and communicating the order information to the intermediary by the store (see Figs.);

W.R.T. Claim 44: The modified Call further discloses the system including means for communicating with the store, delivery agent and supplier by the intermediary;

W.R.T. Claim 45: The modified Call further discloses the system including means for generating the exception report;

W.R.T. Claim 46: The modified Call further discloses the system including a overage, shortage, damaged and suspend menu (see Tables and Figs.);

W.R.T. Claim 48: The modified Call further discloses the system including means for generating a disposition report;

W.R.T. Claim 49: The modified Call further discloses the system, wherein the intermediary is adapted to adjust good deliveries based on a disposition report;

W.R.T. Claim 50:

Call discloses a system comprising:
a communication network (see Fig. 1); a server (101);
at least one delivery agent being adapted to deliver and install the goods (col. 1, lines 16-20; see Fig. 1); and
at least one store (107) being adapted to receive order information generated by the buyer and communicate the order information to the server.

However, Call does not expressly disclose the system including a logistics intermediary having manifest, wherein the logistics intermediary is in communication with the store, supplier and delivery agent.

Nicholls et al. teaches, for a logistics system and method for automating various transporting logistics tasks, that the system and method comprises:

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communicating the invoice information from the logistics intermediary to a delivery agent (26);

noting exceptions and communicating the exceptions to the logistics intermediary, wherein the exceptions are noted and communicated by the delivery agent (see Figs. 4A, 4C-4F, 6 and the descriptions thereof);

communicating disposition status of the goods from the respective delivery agent to the logistics intermediary; and

wherein the manifest is updated by the logistics intermediary (see Supra Figs.).

Since Call and Nicholls et al. are both from the same endeavor, the purpose disclosed by Nicholls et al. would have been well recognized in the pertinent field of Call.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the logistics intermediary of Nicholls et al. into the system of Call such that the logistics intermediary communicates the order and goods information with the store, supplier and delivery agent, as taught by Nicholls et al., for the purpose of providing a high-performance, cost-effective logistics system which is readily adaptable to a wide variety of different organizations by reducing freight costs; increasing accuracy; tracking order; improving customer service; customizing to

any shipping operations; and increasing effectiveness among stores, suppliers and delivery agents.

W.R.T. Claim 51: The modified Call further discloses the system, wherein the logistics intermediary communicates exceptions to the supplier (see the reasons as recited in Claim 50);

W.R.T. Claim 52: The modified Call further discloses the system, wherein the logistics intermediary communicates exceptions to the store; and

W.R.T. Claim 53: The modified Call further discloses the system, wherein the delivery agent communicates disposition status of goods to the intermediary and the intermediary updates the e-manifest.

Conclusion

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP 11-250129 is cited to show an order management system for data communication among various enterprises- managing each database.

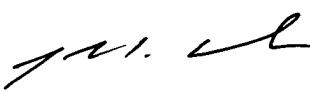
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Woo whose telephone number is 703-308-7830. The examiner can normally be reached on Monday-Friday from 8:30 AM -5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.



Richard Woo
Patent Examiner
GAU 3629
August 19, 2004



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
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